

**IOWA WORKFORCE DEVELOPMENT  
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

**ROBERT RAHLF**  
Claimant

**APPEAL 19A-UI-01238-H2T**

**ADMINISTRATIVE LAW JUDGE  
DECISION**

**IOWA WORKFORCE DEVELOPMENT  
DEPARTMENT**

**OC: 02/03/19  
Claimant: Appellant (1R)**

Iowa Code § 96.4(4) – Monetary Eligibility  
Iowa Code § 96.3(4) – Determination of Benefits

**STATEMENT OF THE CASE:**

Claimant filed a timely appeal from the monetary record with an effective date of February 3, 2019. After due notice was issued, a hearing was held by telephone conference call on February 27, 2019. Pursuant to the claimant's request, the hearing was started one-half hour early to accommodate claimant's need to attend a job interview. Claimant participated personally. Claimant's Exhibit A was admitted into the record.

**ISSUE:**

Is the claimant's monetary record correct?

**FINDINGS OF FACT:**

Having reviewed all of the evidence in the record, the administrative law judge finds: Claimant filed an appeal from his monetary record that determined he was not monetarily eligible for any benefits. Claimant's monetary record shows wages of \$668.58 in first quarter 2018, \$668.58 second quarter 2018 and \$668.58 the third quarter of 2018. Claimant was required to have \$1610.00 in wages in at least one quarter and \$800.00 in wages in another quarter in order to be monetarily eligible for any unemployment insurance benefits.

Claimant suffered a non-work related stroke on November 3, 2015. He did not receive any workers' compensation benefits as a result of the stroke but did receive indemnity benefits in the form of both short-term and long-term disability benefits from roughly November 2015 through January 31, 2019. Claimant is still employed by the same employer, General Mills Sales, but the employer was not included as a participant in the appeal of the monetary appeal.

The claimant's appeal letter requests that wages earned in quarters prior to his stroke, or prior to October 1, 2015 be included in his base period pursuant to Iowa Code Section 96.23 to make him monetarily eligible for benefits. The unemployment insurance service center has not investigated or addressed his request for a wage investigation to see if he is eligible for substitution of quarters of wages into his base period.

The claimant also requests that any sick leave pay he received, short term and long term disability benefits he received during his base period simply be added into his earnings for each quarter to make him monetarily eligible.

## REASONING AND CONCLUSIONS OF LAW:

For the reasons that follow, the administrative law judge concludes the claimant does not have sufficient wages in the base period for benefit eligibility.

Iowa Code section 96.4(4)a-c provides:

An unemployed individual shall be eligible to receive benefits with respect to any week only if the department finds that:

4. a. The individual has been paid wages for insured work during the individual's base period in an amount at least one and one-quarter times the wages paid to the individual during that quarter of the individual's base period in which the individual's wages were highest; provided that the individual has been paid wages for insured work totaling at least three and five-tenths percent of the statewide average annual wage for insured work, computed for the preceding calendar year if the individual's benefit year begins on or after the first full week in July and computed for the second preceding calendar year if the individual's benefit year begins before the first full week in July, in that calendar quarter in the individual's base period in which the individual's wages were highest, and the individual has been paid wages for insured work totaling at least one-half of the amount of wages required under this paragraph in the calendar quarter of the base period in which the individual's wages were highest, in a calendar quarter in the individual's base period other than the calendar quarter in which the individual's wages were highest. The calendar quarter wage requirements shall be rounded to the nearest multiple of ten dollars.

c. If the individual has drawn benefits in any benefit year, the individual must during or subsequent to that year, work in and be paid wages for insured work totaling at least eight times the individual's weekly benefit amount, as a condition to receive benefits in the next benefit year.

Iowa Code section 96.3(4) provides:

4. Determination of benefits. With respect to benefit years beginning on or after July 1, 1983, an eligible individual's weekly benefit amount for a week of total unemployment shall be an amount equal to the following fractions of the individual's total wages in insured work paid during that quarter of the individual's base period in which such total wages were highest; the director shall determine annually a maximum weekly benefit amount equal to the following percentages, to vary with the number of dependents, of the statewide average weekly wage paid to employees in insured work which shall be effective the first day of the first full week in July:

If the number of dependents is:	The weekly benefit amount shall equal the following fraction of high quarter wages:	Subject to the following maximum percentage of the statewide average weekly wage.
0	1/23	53%
1	1/22	55%
2	1/21	57%
3	1/20	60%
4 or more	1/19	65%

The maximum weekly benefit amount, if not a multiple of one dollar shall be rounded to the lower multiple of one dollar. However, until such time as sixty-five percent of the statewide average weekly wage exceeds one hundred ninety dollars, the maximum weekly benefit amounts shall be determined using the statewide average weekly wage computed on the basis of wages reported for calendar year 1981. As used in this section "dependent" means dependent as defined in section 422.12, subsection 1, paragraph "a", as if the individual claimant was a taxpayer, except that an individual claimant's nonworking spouse shall be deemed to be a dependent under this section. "Nonworking spouse" means a spouse who does not earn more than one hundred twenty dollars in gross wages in one week.

Claimant does not meet the requirement that one quarter of his base period contain wages of at least \$1610.00 and another quarter contain wages of at least \$800.00

Iowa Code § 96.19(41)a-c provides generally that insured wages, wages included in an employee's base period, do not include payments made to an employee for sick leave, short-term or long-term disability. Thus, any payment made to claimant for sick leave or short-term or long-term disability benefits cannot be added into his wages for any quarter to make him monetarily eligible

The claimant's monetary record is correct. Claimant does not have sufficient wages in his base period to make him monetarily eligible.

**DECISION:**

The monetary record with an effective date of February 3, 2019, is affirmed. Claimant is not monetarily eligible for benefits on a claim with an effective date of February 3, 2019

**REMAND:**

The issue as to whether claimant is eligible for substitution of wages into his base period due to his receipt of indemnity benefits from his employer is remanded to the unemployment insurance center of Iowa Workforce Development for a review and determination under Iowa Code § 96.23.

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Teresa K. Hillary  
Administrative Law Judge

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Decision Dated and Mailed

tkh/rvs